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Letter dated 24 May 2011 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

With reference to the recommendation of the United Nations Security Council of 14 February 2011, concerning the armed conflict at the Cambodia-Thailand border, I have the honour to bring to your kind attention the following developments:

Since the informal ASEAN Foreign Ministers' Meeting in Jakarta on 22 February 2011, Indonesia, as Chair of ASEAN, has presented a total of seven drafts of the terms of reference for the deployment of the Indonesian Observers Team to the affected areas of the Cambodia-Thailand border.

Cambodia has given its immediate and positive response to each of these drafts, and already signed the letter of acceptance to put the terms of reference into effect on 3 May 2011. Thailand, however, has not so far given its acceptance of the terms of reference.

As a further effort to speed up the deployment of the Indonesian Observers Team to observe the commitment of both sides to avoid further armed clashes and engender a permanent ceasefire, a trilateral meeting of the Foreign Ministers of Cambodia, Indonesia and Thailand was convened in Jakarta on 9 May 2011 by the Minister for Foreign Affairs of Indonesia, Chair of ASEAN.

At that meeting the Ministers concurred to positively recommend a package of resolutions to their respective governments as stated in the attached agreed summary of the meeting (annex I). Through three successive letters, herewith attached, Cambodia positively responded and confirmed its full acceptance of the package of resolutions (annexes II to IV). Thailand, however, has not given its positive reply until now, in spite of three successive reminder letters from the Indonesian Foreign Minister, herewith attached (annexes VII to IX).

I should be grateful if the present letter and its annexes could be circulated to all members of the Security Council as a document of the Security Council.

(*Signed*) Kosal **Sea**
Ambassador and Permanent Representative

11-35401 (E) 010611

Please recycle

Annexes to the letter dated 24 May 2011 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council

Annex I

AGREED SUMMARY

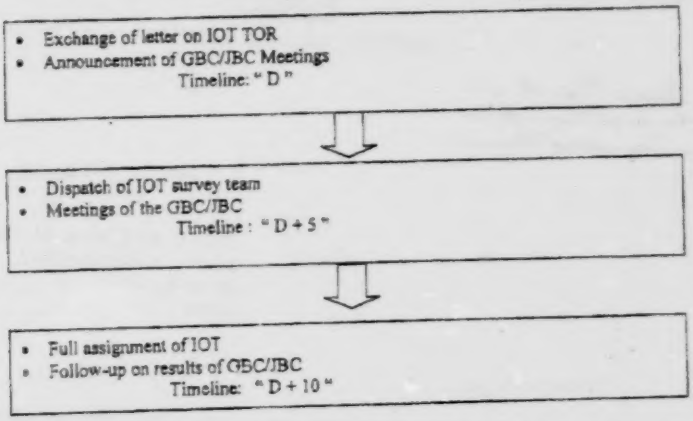
Meeting of the Deputy Prime Minister, Minister for Foreign Affairs and International Cooperation of Kingdom of Cambodia, H.E. Hor Namhong, the Minister of Foreign Affairs of the Kingdom of Thailand, H.E. Kasit Piromya, and the Minister of Foreign Affairs of the Republic of Indonesia, H.E. R.M. Marty M. Natalegawa in Jakarta on 9 May 2011

1. As a follow-up to the meeting of the Prime Minister of the Kingdom of Cambodia, H.E. Samdech Hun Sen, the Prime Minister of the Kingdom of Thailand, H.E. Abhisit Vejjajiva, and the President of the Republic of Indonesia, H.E. Susilo Bambang Yudhoyono, the Deputy Prime Minister, Minister for Foreign Affairs and International Cooperation of Kingdom of Cambodia, H.E. Hor Namhong, the Minister of Foreign Affairs of the Kingdom of Thailand, H.E. Kasit Piromya, and the Minister of Foreign Affairs of the Republic of Indonesia, H.E. R.M. Marty M. Natalegawa, met in Jakarta, on 9 May 2011.

2. Following the discussion, they reaffirm the Statement of the Chair of ASEAN following the Informal Meeting of the Foreign Ministers of ASEAN on 22 February 2011 and the Chairman Statement of the 18th ASEAN Summit 8 May 2011, as follows:

> *"We emphasized the underlying norm and principle of ASEAN that differences between ASEAN Member States should be amicably resolved in the spirit of ASEAN Solidarity, in accordance with the principles contained in the Treaty of Amity and Cooperation in Southeast Asia (TAC) and the ASEAN Charter*
>
> *We welcomed Cambodia's and Thailand's commitment to peacefully resolve their differences through political dialogue and negotiations with a view to achieving mutually acceptable solution through the fullest utilization of their existing bilateral mechanism, with appropriate engagement of Indonesia, current Chair of ASEAN. In this regard, we appreciate that Cambodia and Thailand have agreed on the text of the Terms of Reference (TOR) on the Indonesian Observers Team (IOT) in the affected areas following the incidents in February 2011 and encourage the attainment of an environment conducive to their assignment. We also expressed our appreciation and support for the continuing effort of Indonesia, current Chair of ASEAN, to facilitate the process through its appropriate engagement which would help advance our collective efforts to attain the ASEAN Community."*

3. In pursuit of the above, and in accordance with the task set by the Leaders at their aforementioned meeting on 8 May 2011, the Foreign Ministers concurred on a package of solutions, with appropriate timeline, as below:


• Exchange of letter on IOT TOR
• Announcement of GBC/JBC Meetings
Timeline: " D "
• Dispatch of IOT survey team
• Meetings of the GBC/JBC
Timeline : " D + 5 "
• Full assignment of IOT
• Follow-up on results of GBC/JBC
Timeline: " D + 10 "

4. The Foreign Ministers agreed to positively recommend the above package of solutions to their respective Governments for their early approval.

Annex II

KINGDOM OF CAMBODIA

NATION - RELIGION - KING

Deputy Prime Minister
Minister of Foreign Affairs
and International Cooperation

Jakarta, 10 May 2011

H.E. Dr. M.R. Marty M. Natalegawa
Minister of Foreign Affairs
Republic of Indonesia
Jakarta

Dear colleague,

I have the honour to acknowledge receipt with deep appreciation Your Excellency's letter dated 09 May 2011, along with the draft Agreed Summary of the Meeting of the Foreign Ministers of Cambodia, Thailand and Indonesia, in Jakarta on 9 May 2011.

In this regard, I am pleased to inform you that the Royal Government of Cambodia accepts in full the content of the above Agreed Summary.

I sincerely hope that the proposed three-step package resolutions could be implemented soon.

Please accept, Your Excellency, the assurances of my highest consideration and warmest regard.

Warm regards

Hor Namhong

Annex III

KINGDOM OF CAMBODIA

NATION - RELIGION - KING

Deputy Prime Minister
Minister of Foreign Affairs
and International Cooperation

Phnom Penh, 19 May 2011

H.E. Dr. M.R. Marty M. Natalegawa
Minister of Foreign Affairs
Republic of Indonesia
Jakarta

Dear colleague,

I have the honour to acknowledge receipt with deep appreciation Your Excellency's letter dated 19 May 2011 addressed to myself and Thai Foreign Minister, requesting response on the package of solutions agreed in the Meeting of the Foreign Ministers of Cambodia, Thailand and Indonesia, in Jakarta on 9 May 2011.

In this regard, I wish to recall to Your Excellency that I have already sent you a letter, dated 10 May 2011, expressing full acceptance of the Royal Government of Cambodia of the package of resolutions (Roadmap), which we all (the three Foreign Ministers) agreed on 09 May 2011.

Please accept, Your Excellency, the assurances of my highest consideration and warmest regard.

Hor Namhong

Annex IV

KINGDOM OF CAMBODIA

NATION - RELIGION - KING

Deputy Prime Minister
Minister of Foreign Affairs
and International Cooperation

Phnom Penh, 22 May 2011

H.E. Dr. M.R. Marty M. Natalegawa
Minister of Foreign Affairs
Republic of Indonesia
Jakarta

Dear colleague,

With reference to Your Excellency's letter dated 19 May 2011 and my reply on the same date, may I once again recall that the Royal Government of Cambodia has already fully agreed to the package of solutions concurred at the Meeting of the Foreign Ministers of Cambodia, Thailand and Indonesia, in Jakarta on 9 May 2011.

In order to execute, as early as possible, the package of resolutions, to consolidate the de facto ceasefire on the ground, it is indispensable that the Government of Thailand gives its positive response to this package of solutions, as to be "positively recommended" to their respective governments by the three Foreign Ministers, in accordance with Point 4 of the Agreed Summary.

Please accept, Your Excellency, the assurances of my highest consideration and warmest regard.

Hor Namhong

Annex V

KINGDOM OF CAMBODIA

NATION - RELIGION - KING

Deputy Prime Minister
Minister of Foreign Affairs
and International Cooperation

Phnom Penh, 24 May 2011

H.E. Dr. M.R. Marty M. Natalegawa
Minister of Foreign Affairs
Republic of Indonesia
Jakarta

Dear minister,

I have the honor to refer to Your Excellency's letter dated 23 May 2011 and my previous letter to you dated 22 May 2011, concerning the package of solutions concurred at the Meeting of the Foreign Ministers of Cambodia, Thailand and Indonesia, in Jakarta on 9 May 2011.

In this regard, I would like to reemphasize the indispensability of the positive response from Government of Thailand, in order to implement the above package of solutions. It is absolutely unacceptable to act otherwise and inconsistent with the package of solutions.

Please accept, Your Excellency, the assurances of my highest consideration and

Warm regards

Hor Namhong

Annex VI

MINISTER FOR FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Jakarta, 9 May 2011

Excellencies,

Pursuant to our meeting in Jakarta on 9 May 2011, attached please find:

AGREED SUMMARY

Meeting of the Deputy Prime Minister, Minister for Foreign Affairs and International Cooperation of Kingdom of Cambodia, H.E. Hor Namhong, the Minister of Foreign Affairs of the Kingdom of Thailand, H.E. Kasit Piromya, and the Minister of Foreign Affairs of the Republic of Indonesia, H.E. R.M. Marty M. Natalegawa in Jakarta on 9 May 2011

Please accept, Excellencies, the assurances of my highest consideration.

Dr. R.M. Marty M. Natalegawa

His Excellency Mr. Hor Namhong
Deputy Prime Minister, Minister for Foreign Affairs and International Cooperation
of the Kingdom of Cambodia
PHNOM PENH

His Excellency Mr. Kasit Piromya
Minister of Foreign Affairs of the Kingdom of Thailand
BANGKOK

Annex VII

MINISTER FOR FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Jakarta, 10 May 2011

Dear Excellencies,

I wish to acknowledge with appreciation, the receipt of the letter from H.E. Mr. Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand, dated 9 May 2011 (with attachment) as well as the letter from H.E. Mr. Hor Nam Hong, Deputy Prime Minister, Minister of Foreign Affairs and International Cooperation of the Kingdom of Cambodia dated 10 May 2011, acknowledging the receipt of the Agreed Summary of the meeting of the Deputy Prime Minister, Minister for Foreign Affairs and International Cooperation of Kingdom of Cambodia, H.E. Hor Namhong, the Minister of Foreign Affairs of the Kingdom of Thailand, H.E. Kasit Piromya, and the Minister of Foreign Affairs of the Republic of Indonesia, H.E. R.M. Marty M. Natalegawa in Jakarta on 9 May 2011, which I attached to my letter of the same date to Your Excellencies.

With reference to the suggestion from Thailand to amend the letter of acceptance to be used in the exchange of notes on the Terms of Reference of the IOT, I would like to share some preliminary thoughts: First, *identical* draft of the letter of acceptance has been considered and agreed to by both Cambodia and Thailand. Indeed, in the case of Cambodia, this agreed letter of acceptance has been formally sent to the Government of Indonesia on 3 May 2011. Thus, to amend the letter of acceptance at this stage would also have an impact on the nature of the acceptance by Cambodia.

Second, the proposed amendments from Thailand to the letter of acceptance appear to relate to issues that we have agreed to address through the package solutions approach as indicated in the Agreed Summary that we plan to submit to our governments with positive recommendation. In other words, while they are related to the operationalization of the TOR, they are not strictly speaking related to the coming into effect of the TOR.

His Excellency Mr. **Hor Namhong**
Deputy Prime Minister, Minister for Foreign Affairs and International Cooperation
of the Kingdom of Cambodia
PHNOM PENH

His Excellency Mr. **Kasit Piromya**
Minister of Foreign Affairs of the Kingdom of Thailand
BANGKOK

Finally I wish to acknowledge the agreement by the Royal Government of Cambodia of the content of the Agreed Summary.

Please accept, Excellencies, the assurances of my highest consideration.

Dr. R.M. Marty M. Natalegawa

Annex VIII

MINISTER FOR FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Jakarta, 19 May 2011

Dear colleagues,

I wish to acknowledge with appreciation all the communications we have had since our last meeting in Jakarta on 9 May 2011. The communications have been extremely useful in deepening further understanding on the concurrence that we have reached at the aforementioned meeting on the package of solutions to be positively recommended to our respective governments.

I believe the conditions are propitious for us to begin the process as reflected in the aforementioned approach.

I would be very grateful for your response in this regard.

Please accept, Excellencies, the assurances of my highest consideration.

Dr. R.M. Marty M. Natalegawa

His Excellency Mr. Hor Namhong
Deputy Prime Minister, Minister for Foreign Affairs and International Cooperation
of the Kingdom of Cambodia
PHNOM PENH

His Excellency Mr. Kasit Piromya
Minister of Foreign Affairs of the Kingdom of Thailand
BANGKOK

Annex IX

MINISTER FOR FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Jakarta, 23 May 2011

Dear colleagues,

With reference to my letter dated 19 May 2011, I wish to acknowledge with appreciation the letters from His Excellency Mr. Hor Namhong, Deputy Prime Minister/Minister for Foreign Affairs and International Cooperation of the Kingdom of Cambodia, dated 19 May and 22 May 2011. I am also pleased that I have had occasions to speak with both His Excellency Mr. Kasit Piromya, Minister of Foreign Affairs of the Kingdom of Thailand, and His Excellency Mr. Hor Namhong, Deputy Prime Minister/Minister for Foreign Affairs and International Cooperation of the Kingdom of Cambodia in recent days.

Once again, it remains my firm belief that conditions are propitious for the implementation of the package of solutions approach that we have identified on 9 May 2011. Indeed, this has become even more so given the information that I received on the convening of the GBC from General Prawit Wongsuwan, Minister of Defense of Thailand and General Tea Banh, Minister of National Defense of Cambodia at the side lines of the recent ADMM in Jakarta. Further, I have been informed of the sides' readiness to receive the IOT survey team as also provided in the package of solutions approach.

It is, I believe, important that we maintain the positive momentum generated by the recently concluded ASEAN Summit and the directives that we have obtained from our Leaders. Every positive condition on the ground must be sustained and enhanced. I believe that the package of solutions, with its provisions for the operationalization of the IOT and the rejuvenation of the GBC/IBC is key in this regard.

His Excellency Mr. Hor Namhong
Deputy Prime Minister, Minister for Foreign Affairs and International Cooperation
of the Kingdom of Cambodia
PHNOM PENH

His Excellency Mr. Kasit Piromya
Minister of Foreign Affairs of the Kingdom of Thailand
BANGKOK

Finally, as I had informed Excellencies earlier, at the request of the United Nations Security Council, I have received a call from the United Nations Under Secretary General for Political Affairs, Mr. Lynn Pascoe, requesting information on ASEAN latest's effort which continues to receive the United Nations support.

I would be grateful for your response to the above.

Please accept, Excellencies, the assurances of my highest consideration.

Dr. R.M. Marty M. Natalegawa